APPENDIX A

	DATE OF PAYMENT 1944	AMOUNT	PAID TO	PLACE OF PAYMENT	PRINTED RECORD	TRIAL EXHIBIT		DATE OF PAYMENT 1944	AMOUNT	[illegible]	PLACE OF PAYMENT	DESCRIPTION OF MONEY [illegible]	[illegible]
1)							1)	Sometime in November.	Approximately $ 5,000.	Lubben	New York Hotel Pennsylvania or Sherman Hotel	Gave it to Byron Cain. Got none of it back for himself. Used for some special deal for the business (pg. 575)	106-110
2)	1945						2)	Sometime in December 1944 1945	Approx. $ 20,000.	Lubben	Chotwell Mfg. Company Office	Gave it to Byron Cain. Got none of it back for himself. Used for same special deal [illegible]	111-113
3)	Jan. 19	$ 10,849.	Huebner	Penna. Hotel, New York. Sullivan was present.	Vol. 2, Pp. 811-821	27, 27-A, 162	3)	Sometime in Jan. 1945	Between $ 10,000 and 11,000	Lubben	New York City Penn. Hotel	Gave package of currency to Byron Cain in hotel suite. Sullivan was present. Got none of it back for himself.	113-116
4)	Feb. 7	6,183.	Huebner	Chicago	Vol. 2, Pp. 820-822	28, 163	4)						
5)	After check dated Mar. 6 was cashed	18,000	Huebner	New York	Vol. 2, Pp. 823-826	40, 40-A 164	5)						
6)	Mar. 28 or 29	15,000	Huebner	Chicago	Vol. 2, Pp.826-831	40-B, 40-C, 165	6)	In the latter part of Mar. 1945.	$ 15,000	Lubben	In the Chotwell Mfg. Co. Plant (Chicago)	Gave it to Byron Cain. Byron Cain gave Huebner 15,000 back for himself.	122-124
7)	On or about May 3 and around May 9	24,527.13 6,459.75 30,986.88	Huebner	Chicago	Vol. 2, Pp.831-841	40-D, 166, 43, 45, 167	7)	First part of May 1945. (Around V-E day. SR 135)	Approx. $ 30,000	Lubben	Sherman Hotel (Chicago)	Gave it to Byron Cain at Bellem-Stratford Hotel. (Chicago) Cain gave Huebner $10,000 back for himself.	135-138
8)	May 25 if in N. Y. or May 26 if in Chicago	4,455. 20,000. 24,455.	Huebner	Either Chicago or New York	Vol. 2, Pp.841-846	48, 55, 55-A, 55-B	8)	In the latter part of May 1945	Approx. $ 25,000	Lubben	New York City Penn. Hotel.	Gave $20,000 to Byron Cain in an automobile at Cicero and Irving Park, Chicago. Huebner took $5,000 from package of currency containing approx. $25,000 before giving $20,000 to Cain.	140-144
9)	June 28	5,524.	Huebner	Either Chicago or New York	Vol. 2, Pp.847	55-A	9)						

1945 (Cont'd)											
10) Between Sept. 45 and Nov. 47	$ 30,000.00 Wages 60,100.31 ---Per Heitman's testimony--- Close to $ 14,000	Mother									
1946	Per Lubben's testimony										
11) February	About $ 19,000.00 (Computations based on Lubben's testimony as to Gov't Exhs 146, 147 and actual payments as per 217	Mother				146,148				(Sullivan in hosp. 9/c pneumonia early 1946)	
12) Sometime in neighborhood of early March	$ 14,42. (Computation based on Lubben's testimony as to Gov't Ex. 147										
13) On or about March 49	$ 35,536.	Mother	New York				Between $ 20,000 and $ 21,000				
14) Within 1 or 2 days of Mar. 25	$ 1,188.	Mother	New York.		101, 102						
15) Sometime in April.	$ 14,000.	Mother			102		$ 14,000				
16) May	$ 1,450	Mrs. Frame	New York		102						
17)	$ 8,450	To Mother by Wasserman	Chicago		102		$ 8,450				
18) May Friday and Saturday	---Per Heitman's Testimony--- $ 8,179. 6,038. $14,217.	Mother	Chicago		92, 93,		Approx. $ 15,000	Heitman			

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CURRENCY PAYMENTS TO THE SHOTWELL MFG. CO.

	PER LUBBEN'S TESTIMONY						PER MULDNER'S TESTIMONY					
	DATE OF PAYMENT	AMOUNT	PAID TO	PLACE OF PAYMENT	REPORTED RECORD	TRIAL EXHIBIT	DATE OF PAYMENT	AMOUNT	RECEIVED FROM	PLACE OF PAYMENT	DISPOSITION OF MONEY BY MULDNER	SUPPLEMENTAL RECORD
	1946 (Cont'd)						1946 (Cont'd)					
19)	Unbilled shipments. Bills of lading. Gov't Exs. 151 and 152 dated 5/22 and 6/8	$27,322.67 (Computation based on Lubben's testimony). Vol. 2, Pp. 947-951 of printed record.	Huebner	Chicago or New York	Vol. 2, Pp. 947-951	151 and 152	19)					
20)	Unbilled shipment of [redacted] 9th. Bill of lading Gov't Ex. 154	$23,178.12 (Computation based on Lubben's testimony. Vol. 2, pp.951-956. $6,038 paid by Heitman-see item 18, supra. Bal. of $17,140.12 paid by Lubben).	Huebner	Does not know	Vol. 2, Pp. 951-956	154						
21)	Settlement sheet for shipments June 18 to July 15	$24,219				112,	Sometime in August 1946	Between $22,000 and $24,000	Lubben	Shotwell Mfg. Co. office.	Gave it to Byron Cain who said would use it for Saul Sullivan (App 636-7)	195-202
22)	Settlement for shipments July 22 to [illegible] 11	$29,510.63				120						
23)	August 20 [illegible]	$ 7,500 $35000 (Graf a Hudson with Levy R.569-577, Graf exs Ret.			Vol. 6 P. 2946	156,156-A	23) August. About 3 weeks after he received money from Lubben as shown in Item [illegible]	Approx. $7,500	Lubben	At the office of Shotwell	Gave it to Byron Cain who said would use it for Saul Sullivan	203-205
24)	October 14 (1) On or about day check was cashed, (2) Around October 12	(1) $12,235 (2) $10,000 $22,235	(1) Huebner (2) Huebner	Chicago	Vol. 2, (1) Pp.893-898 (2) 918-919	(1) 122,122-A, 122-C, 122-D. (2) 158	24)				Denies. Lubben Memo Transcript R. 569 572	
25)	Oct. 18	$25,929.81	Huebner. Then he said, " I believe this money was given to Graflund.	Chicago	Vol. 2, Pp.919-920	158-A	25) Sometime in the middle of October 1946	Between $26,000 and $27,000	Lubben	In New York. Gotham Hotel	Gave it to Byron Cain	206-207
26)	(1) Nov. 8 (2) Nov. (3) On or about date check was cashed (Nov 9)	(1) $13,146.70 (2) $ 2,004.00 (3) $ 319.50 $15,470.20	(1) Graflund (2) Huebner (3) Huebner	(1) Chicago (2) Chicago (3) Chicago	Vol. 2, (1) 927-933 (2) 901-903 (3) 898-901	(1) 160, 160-A, 160-B, 160-C, 126, 126-A, 126-B, 126-C, 126-D. (3) 124, 124-A	26)				Same	
27)	Dec. 20	Per Moran's Testimony $17, 190. 25	Huebner	Chicago	Vol. 3, P. 1293	133, 133-A	27) Sometime before Christmas in 1946, in Dec.	Approx. $18,000	Moran	In the hallway to the Shotwell Mfg. Co.	Gave it to Byron Cain. Cain gave him back $6,000	208-209

APPENDIX B

INDICTMENT IN COMPANION CONSPIRACY CASE

(Emphasis Supplied)

IN THE UNITED STATES DISTRICT COURT

For the Northern District of Illinois,

Eastern Division

UNITED STATES OF AMERICA, *Plaintiff*, vs. HAROLD E. SULLIVAN, BYRON A. CAIN, LEON J. BUSBY, ERNEST J. SAUBER, and RALPH R. JOHNSON, *Defendants*.	No. 57 CR 149. February 27, 1957

COUNT ONE

The Grand Jury charges:

1. That from on or about June 21, 1948, and continuously and at all times thereafter up to and including the date of this indictment Harold E. Sullivan, Byron A. Cain, Leon J. Busby, Ernest J. Sauber and Ralph R. Johnson, hereinafter referred to as defendants, in the Northern District of Illinois, Eastern Division, and elsewhere, did willfully and unlawfully conspire, combine, confederate and agree together, each with the other, and with the Homan Mfg. Co., Inc., formerly The Shotwell Mfg. Co. (hereinafter referred to as Shotwell), Frank J. Huebner and Patrick J. Grace,

Jr., and with divers other persons to the Grand Jury unknown, all of which persons, named and unknown, other than the defendants themselves, will hereinafter be referred to as co-conspirators, said co-conspirators being not named as defendants or indicted herein:

(A) **To defraud the United States of America of income taxes due and owing to it by defendants Harold E. Sullivan and Byron A. Cain and co-conspirators Shotwell and Frank J. Huebner for the calendar years 1944, 1945, and 1946, by concealing**, causing the concealment of, and continuing to conceal from officers and employees of the United States, including officers and employees of the Bureau of Internal Revenue and the Internal Revenue Service of the United States Treasury Department (said Bureau and Service hereinafter referred to as the Internal Revenue Service), **the receipt, utilization and disposition of taxable income by defendants Harold E. Sullivan and Byron A. Cain and co-conspirators Shotwell and Frank J. Huebner during the years 1944, 1945, and 1946, in connection with transactions had during said years by co-conspirator Shotwell with one David G. Lubben**, the Eatsum Food Products Co., a sole proprietorship, the Eatsum Food Products Co., a partnership, General Confections, Inc., a corporation, and its wholly owned subsidiary, Reserve Trading Co.

(B) To defraud the United States of and concerning:

(1) The exercise of its governmental function and right of ascertaining, computing, levying, assessing, and collecting taxes due and owing to the United States of America for the calendar years 1944, 1945, and 1946 by defendants Harold E. Sullivan and Byron A. Cain and co-conspirators Shotwell and Frank J. Huebner, respectively, and of investigating, detecting and prosecuting violations of the internal revenue laws of the United States, free from bribery, unlawful impairment, obstruction, improper in

fluence, bias, dishonesty, false statements, misrepresentations, concealment, deceit, fraud and corruption;

(2) Its right to and interest in the conscientious, faithful, disinterested, unbiased and honest services, judgments, determinations and actions of defendants Ernest J. Sauber and Ralph R. Johnson, duly appointed employees of the Internal Revenue Service, concerning matters affecting and pending in and before the Internal Revenue Service, and to have such services, judgments, determinations and actions exercised free from bribery, corruption, dishonesty, improper influence, bias, partiality, **and fraud**;

(3) Its governmental function and right to have the business and affairs of the Internal Revenue Service, in the consideration, administration and disposition of matters affecting and pending in and before the Internal Revenue Service, conducted on its behalf fairly, honestly, **and free from fraud**, deceit, improper influence, partiality, concealment, interference, obstruction and corruption;

(4) The exercise of its governmental function and right of administering justice in the United States District Court for the Northern District of Illinois, Eastern Division, and of punishing violators of the internal revenue laws of the United States, free from interference, obstruction and impairment through the giving of **false, fictitious, and fraudulent testimony before the said Court** and before Grand Juries of the said Court.

(C) To commit certain offenses against the United States, to wit:

(1) **The crime of willfully attempting to evade and defeat a large part of the taxes due and owing to the United States of America** by co-conspirator Shotwell for the calendar years 1944, 1945, and 1946, in violation of Title 26, United States Code (I. R. C. 1939), Section 145(b);

(2) **The crime of willfully attempting to evade and defeat a large part of the income taxes due and owing to the United States of America by defendants Harold E. Sullivan and Byron A. Cain and co-conspirator Frank J. Huebner, respectively, for the calendar years 1944, 1945, and 1946,** in violation of Title 26, United States Code (I. R. C. 1939), Section 145(b);

(3) The crime of bribery in violation of Title 18, United States Code, Section 201;

(4) **The crime of knowingly and willfully making and causing to be made false, fictitious and fraudulent statements and representations in matters within the jurisdiction of agencies of the United States, to wit, the Internal Revenue Service and the United States Department of Justice,** in violation of Title 18, Section 80, United States Code (1946 Ed.); 18 U. S. C. 1001;

(5) The crime of perjury in violation of Title 18, United States Code, Section 1621;

(6) The crime of obstruction of justice in violation of Title 18, United States Code, Section 1503;

(7) The crime of violating Title 26, United States Code (I. R. C. 1939), Section 3793(b); and

(8) The crime of violating Title 26, United States Code (I. R. C. 1939), Section 4047(c)(3), (5) and (6).

The Grand Jury further charges that said unlawful conspiracy, combination, confederation and agreement was to be accomplished by the means and method and in the manner following:

4. It was a part of the conspiracy that the defendants and co-conspirators would conceal, cause to conceal, and would make continuing efforts to conceal from the Internal Revenue Service, the United States Department of Justice,

the United States District Court for the Northern District of Illinois, Eastern Division, and Grand Juries of said Court, that **defendants Harold E. Sullivan and Byron A. Cain and co-conspirators Shotwell and Frank J. Huebner received large amounts of unrecorded and unreported income during the years 1944, 1945, and 1946, and that they each owed the United States large amounts of tax for said years, by virtue of over-invoice premium payments in currency and other payments received in currency on certain sales of merchandise by co-conspirator Shotwell during the said years.** It was further a part of the conspiracy that the said concealment and efforts to conceal were to be aided and accomplished by various means, including, but not limited to, bribery, obstruction of justice, the making of and causing to be made false and fraudulent statements and representations to the Internal Revenue Service, **the submission of and causing to be submitted false and fraudulent papers and documents to the Internal Revenue Service**, the inducement of others to make false statements and representations to the Internal Revenue Service; the concealment and destruction of books and records, the obstruction, impeding and thwarting of investigations, inquiries and proceedings of the Internal Revenue Service, attempts to terminate and suspend investigations and inquiries being conducted by the Internal Revenue Service, attempts to influence, impede and obstruct witnesses and potential witnesses, and the giving of and causing to be given false, fictitious, and fraudulent testimony and representations to the United States District Court for the Northern District of Illinois, Eastern Division.

5. **It was a part of the conspiracy that the defendants and co-conspirators would make and cause to be made false and fraudulent statements and representations to the Internal Revenue Service, the United States Department of Justice, the United States District Court for the Northern**

District of Illinois, Eastern Division, and Grand Juries of said Court; concerning an alleged voluntary disclosure purportedly made to the Internal Revenue Service in 1948 by or on behalf of co-conspirator Shotwell.

6. It was a part of the conspiracy that the defendants and co-conspirators would attempt corruptly to obtain a settlement of tax cases concerning co-conspirator Shotwell for the years 1944, 1945, and 1946 at a figure greatly below the amount of tax due and owing to the United States by said Shotwell, although such action would result in the defeat and evasion of a large amount of taxes due and owing the United States for said years by defendants Harold E. Sullivan and Byron A. Cain and co-conspirators Shotwell and Frank J. Huebner.

* * * * *

OVERT ACTS.

The Grand Jury further charges that the defendants and co-conspirators, in furtherance of and for the purpose of carrying into execution said conspiracy, combination, confederation and agreement, did and performed the following and other overt acts, to wit:

1. On or about June 21, 1948, defendants Harold E. Sullivan and Byron A. Cain, in New York, New York, had telephone conversations with one H. Stanley Gratlund in Chicago, Illinois.

2. On or about June 23, 1948, defendants Harold E. Sullivan and Byron A. Cain and co-conspirator Frank J. Huebner had a conversation with co-conspirator Patrick J. Grace, Jr., in Brooklyn, New York.

* * * * *

6. In or about early July 1948, in Chicago, Illinois, defendant Harold E. Sullivan and co-conspirator Frank J. Huebner had a conversation with one Edward Urban and

discussed the matter of purchasing certain business interests of David G. Lubben for the purpose of acquiring and destroying books and records of David G. Lubben relating to black market transactions and other transactions with co-conspirator Shotwell.

7. In or about the latter part of July 1948, and in August 1948, in Chicago, Illinois, defendant Bryon A. Cain instructed H. Stanley Grathund and one Gladys Morrill to destroy or cause the destruction of records of black market currency received from David G. Lubben by co-conspirator Shotwell in 1945 and 1946.

* * * * *

10. In or about the latter part of July 1948, in Chicago, Illinois, defendant Byron A. Cain had a conversation with co-conspirator Frank J. Huebner, and said Byron A. Cain asked said Frank J. Huebner for $10,000 in currency to take care of and "fix" the tax difficulty they were in.

11. In or about the latter part of July 1948, in Chicago, Illinois, at the request of defendant Byron A. Cain co-conspirator Frank J. Huebner delivered $5,000 in currency to said Byron A. Cain to take care of and "fix" the tax difficulty they were in.

12. In or about the first week of August 1948, in Chicago, Illinois, defendant Leon J. Busby had a meeting and conversation with Internal Revenue Agent Joseph Lima and delivered to said Joseph Lima a paper containing false, fictitious and fraudulent figures and representations respecting unrecorded and unreported receipts and disbursements of currency by co-conspirator Shotwell during the years 1944, 1945, and 1946.

13. In or about August 1948, in Chicago, Illinois, defendant Byron A. Cain asked co-conspirator Frank J. Huebner for $5,000 in currency as part of the $10,000 in currency which said Byron A. Cain wanted to take care of and "fix" the tax difficulty they were in.

14. In or about August 1948, in Chicago, Illinois, at the request of defendant Byron A. Cain, co-conspirator Frank J. Huebner delivered $5,000 in currency to said Byron A. Cain to take care of and "fix" the tax difficulty they were in.

15. In or about August 1948, in Chicago, Illinois, defendant Ralph R. Johnson instructed Internal Revenue Agent Joseph Lima to make a tax computation and prepare an Internal Revenue Agent's report allowing unsubstantiated disbursements of currency claimed to have been made by co-conspirator Shotwell during the years 1945 and 1946.

19. In or about September 1949, in Chicago, Illinois, defendant Ernest J. Sanber had a conversation with Ernest C. Wright, then Internal Revenue Agent in Charge, about termination of an investigation Internal Revenue Agent Charles J. Mammel was conducting with respect to co-conspirator Shotwell.

21. On or about October 4, 1949, in Chicago, Illinois, defendants Harold E. Sullivan and Byron A. Cain had a conversation with Ernest C. Wright, then Internal Revenue Agent in Charge, and defendant Harold E. Sullivan stated to said Ernest C. Wright that he and said Byron A. Cain knew to whom overceiling disbursements had been made by or on behalf of co-conspirator Shotwell during 1945 and 1946, but that they would not tell said Ernest C. Wright.

24. On or about November 2, 1950, in Chicago, Illinois, defendants Harold E. Sullivan and Byron A. Cain, in a conversation with Internal Revenue Agent in Charge Ernest C. Wright, stated that they wanted Internal Reve-

nue Agent Charles J. Mammel removed from the investigation of co-conspirator Shotwell, and defendant Harold E. Sullivan stated to said Ernest C. Wright that he and defendant Byron A. Cain did not know to whom overceiling payments were made by or on behalf of co-conspirator Shotwell during the years 1945 and 1946.

25. On or about November 17, 1950, in Washington, D. C., defendant Byron A. Cain had a conversation with Commissioner of Internal Revenue George C. Schoeneman and complained about the length of time of the investigation of co-conspirator Shotwell.

26. On or about November 20, 1950, in Chicago, Illinois, defendant Byron A. Cain falsely stated to Internal Revenue Agent Charles J. Mammel that 50 percent of the money listed in papers submitted to the Internal Revenue Service as having been received by or on behalf of co-conspirator Shotwell from David G. Lubben as overceiling premiums and for uninvoiced shipments of merchandise was in fact trades and not money.

27. On or about May 9, 1951, Daniel A. Taylor, then attorney for co-conspirator Shotwell, had a conversation with Special Agent Sam Krane and Internal Revenue Agent Charles J. Mammel wherein he asserted that all of the unrecorded and unreported currency received by co-conspirator Shotwell during the years 1944, 1945 and 1946 was, with the exception of $5,898, paid out by co-conspirator Shotwell for the purchase of raw materials.

28. In or about the summer of 1951, in Chicago, Illinois, Daniel A. Taylor, then attorney for co-conspirator Shotwell, had a conversation with Special Agent Sam Krane wherein he asserted that a large part of the over-invoice premium collections listed in papers submitted to the Internal Revenue Service as having been received by co-conspirator Shotwell during 1944, 1945, and 1946 was

actually "trades and exchanges" on which no money was received by or on behalf of co-conspirator Shotwell.

33. On or about November 12, 1952, in the United States District Court for the Northern District of Illinois, Eastern Division, Chicago, Illinois, defendant Byron A. Cain gave false testimony concerning an alleged voluntary disclosure purportedly made to the Internal Revenue Service in 1948 by or on behalf of co-conspirator Shotwell.

34. On or about November 12, 1952, in the United States District Court for the Northern District of Illinois, Eastern Division, Chicago, Illinois, defendant Leon J. Busby gave false testimony concerning an alleged voluntary disclosure purportedly made to the Internal Revenue Service in 1948 by or on behalf of co-conspirator Shotwell.

35. On or about November 13, 1952, in the United States District Court for the Northern District of Illinois, Eastern Division, Chicago, Illinois, defendant Ernest J. Sauber gave false testimony concerning meetings and conversations he allegedly had in 1948 with defendants Byron A. Cain and Leon J. Busby.

36. On or about November 13, 1952, in Chicago, Illinois, defendant Byron A. Cain had a conversation with co-conspirator Frank J. Huebner concerning the date of an alleged voluntary disclosure to the Internal Revenue Service.

37. On or about October 9, 1953, in the United States District Court for the Northern District of Illinois, Eastern Division, Chicago, Illinois, defendant Byron A. Cain gave false testimony concerning a conversation he purportedly had with David G. Lubben in September or October, 1945, regarding the time of commencement of over-invoice premium payments on certain sales of merchandise by co-conspirator Shotwell; concerning the period dur-

ing which over-invoice premium payments were received on certain sales of merchandise by co-conspirator Shotwell; concerning the amount of over-invoice premium payments and other payments received during the years 1945 and 1946 on certain sales of merchandise by co-conspirator Shotwell; and concerning meetings and conversations with David G. Lubben and Samuel Davids... in about June 1948 and in about August 1951.

38. On or about October 9, 1953, and October 12, 1953, in the United States District Court for the Northern District of Illinois, Eastern Dvision, Chicago, Illinois, defendant Harold E. Sullivan gave false testimony concerning the receipt by him of black market money paid by David G. Lubben in 1945 and 1946; concerning meetings and conversations with David G. Lubben in 1945 and 1946; concerning his knowledge of overceiling premium transactions involving David G. Lubben; and concerning his knowledge of uninvoiced shipments of merchandise by co-conspirator Shotwell in 1946.